

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 112

Claim 1 has been amended to resolve the rejection based on lack of antecedent basis.

In addition, and for reasons unrelated to the rejections set forth in the Office Action, the claims have been amended by deleting many of the uses of the term "means" so as to avoid any confusion as to how the claims are to be construed under 35 USC 112.

Claim Rejections - 35 USC § 102

It is respectfully submitted that the claims are not anticipated by WO 02/16965 (hereafter "Kimchy") because Kimchy does not disclose a contact sensor as set forth in the claims. Rather, "the detector is made to follow a three dimensional surface which defines the body curvature and in effect is used also as a position tracking pointer" (see page 35, lines 26-30). This passage seems to describe a separate overlaid surface, rather than anything that directly contacts the body itself.

That it does not touch the body is further emphasized by the passage at page 36, lines 1-4: "this approach can also be undertaken in open surgeries, such as open chest surgeries so as to provide the surgeon in real time with information concerning the functionality of a tissue."

Even if the item described in the extract in Kimchy is supposed to touch the body, it does mean that the touch or contact is sensed. Therefore, claim 1 is new in relation to Kimchy and all dependent claims are also new in relation to Kimchy at least by virtue of their dependence on claim 1.

It is further noted that claim 3 additionally is new over Kimchy because although Kimchy discloses a way of displaying the positional and count rates, no mention has been found of the identification of areas of inadequate data collection, nor any mention of communicating the identified areas to the user.

Claim 4 is additionally new over Kimchy. The given extract (page 57, line 10 - page 58, line 18) does not disclose biasing of the detecting means at all. The use of a biasing device to detect depth by radiation detection measurements at different distances is an entirely innovative process.

Claim 5 is additionally new over Kimchy. The given extract discloses that "the spatial probe positions together with the spatial count rates may be stored in memory or displayed on a computer monitor 214 as a pattern of marks corresponding to a spatial and count rate position". The distinction here is that in claim 5 the marks are to be made on the surface which is being imaged, rather than on a screen.

Claim 7 is additionally new over Kimchy. While Kimchy does disclose a plurality of sensors and a processor including means to compare measured relative positions, these sensors are not fixed in relation to each other and are not disposed towards the identification of errors. Instead, they take movements, such as chest movements, into account.

Claim 9 is additionally new over Kimchy. The relevance of the extract cited in the Office Action to this claim is not understood, but does not seem to anticipate this claim.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Patrick F. Clunk/

Patrick F. Clunk, Reg. No. 59,482

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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